

# STAMP AND RETURN

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October 7, 2005

## VIA HAND DELIVERY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RECEIVED

OCT - 7 2005

Federal Communications Commission  
Office of Secretary

Re: KCET-DT, Los Angeles, California  
Tentative Digital Channel Designation

Dear Ms. Dortch:

Community of Television of Southern California ("CTSC"), licensee of noncommercial educational television Station KCET, NTSC Channel 28/DTV Channel 59, hereby requests that the Commission reinstate CTSC's original request for maximized facilities for KCET-DT in the event that Smith Broadcasting of Santa Barbara LP ("Smith"), permittee of Station KEYT-DT, does not construct its full authorized facilities by the applicable "use-it-or-lose it" deadline of July 1, 2006.

On October 4, 2005, the Commission issued a public notice of tentative digital channel designations.<sup>1</sup> CTSC received the tentative digital channel designation of Channel 28. In order to receive this channel designation and remain on its only in-core channel following the digital transition, CTSC had to resolve predicted interference to Station KEYT-DT, D27, Santa Barbara, California. CTSC resolved this "interference conflict" by amending Schedule B of its DTV Conflict Resolution form to specify Station KCET-DT's replication facilities, rather than its permitted maximized facilities. (File No. BFR CET-20050815ABG, amended Sept. 19, 2005).<sup>2</sup>

<sup>1</sup> See *Tentative Digital Channel Designations for Stations Participating in the First Round DTV Channel Elections and Second Rough Election Filing Deadline*, Public Notice, DA 05-2649 (Oct. 4, 2005).

<sup>2</sup> In its original DTV Conflict Resolution form, CTSC sought to demonstrate that Station KCET-DT would cause less than 2% interference to Station KEYT-DT by using the alternative showing approved by the Commission for use in certain situations in

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The Commission predicted that Station KCET's DTV operation on Channel 28 would cause 2.3% interference to Station KEYT-DT, only 0.3% above the relaxed standard announced for one-in-core licensees like CTSC.<sup>3</sup> This interference prediction was based on Station KEYT-DT's 1000 kW ERP maximized facilities. (File No. BMPCDT-20010126ABE). However, Smith has not yet completed construction of these maximized facilities. Presently, Smith is only operating Station KEYT-DT at an ERP of 250 kW pursuant to a special temporary authorization, (File No. BEDSTA-20050727AMX)<sup>4</sup>, and is subject to the "use-it-or-lose it" deadline of July 1, 2006.

Since it is not clear that Smith will construct its full authorized facilities, CTSC believes it does not serve the public interest to limit Station KCET-DT to its replication facilities rather than its maximized facilities if Smith fails to construct its 1 megawatt station. Limiting Station KCET-DT to its replication facilities in these circumstances will only deny free over-the-air public television service to audiences for no offsetting benefit. Accordingly, CTSC requests that the Commission reinstate CTSC's original request for Station KCET-DT's maximized facilities (340 kW ERP at a HAAT of 913 m, see File No. BMPEDT-20000428ADF, equivalent to 191 kW ERP on DTV Channel 28) or such improved facilities as would cause no more than 2.0% predicted interference to Station KEYT-DT's operating facilities as of July 1, 2006,<sup>5</sup> or grant CTSC such other relief as may be appropriate to improve its facilities as proposed here.

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paragraph 66 of its *2001 DTV Report & Order*. See *In re Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd. 5946, ¶ 66 (2001); see also Letter from Maureen R. Jeffreys, Counsel for CTSC, to Nazifa Sawez, FCC Media Bureau, dated August 15, 2005. The Media Bureau staff indicated that CTSC's use of this alternative methodology would be denied, and to avoid the risk of losing its only in-core channel by waiting until the second round election cycle, CTSC amended its DTV Conflict Resolution form to propose its replication facilities rather than its grandfathered maximization proposal.

<sup>3</sup> See *DTV Channel Election: First Round Conflict Decision Extension and Guidelines for Interference Conflict Analysis*, Public Notice, DA 05-2233 (Aug. 2, 2005).

<sup>4</sup> See also KEYT-TV/DT Engineering Data, available at [http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/cdbs/pubacc/prod/eng\\_tv.pl? Facility\\_id=60637](http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/cdbs/pubacc/prod/eng_tv.pl? Facility_id=60637).

<sup>5</sup> CTSC believes that it will be able to make this showing if Smith does not increase Station KEYT-DT's power above the power level at which it is currently operating.

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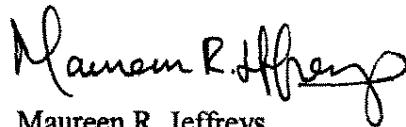
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If you have any questions concerning this matter, please let me know.

Sincerely,



Maureen R. Jeffreys  
Counsel for Community Television of  
Southern California

cc: Rick Chessen, Esq. (by email)  
Ms. Nazifa Sawez (by email)  
Mr. Gordon Godrey (by email)  
Susan E. Reardon, Esq. (by email)  
Theodore D. Frank, Esq.